

EXHIBIT 2



UNITED STATES DEPARTMENT OF COMMERCE
The Under Secretary of Commerce
for Oceans and Atmosphere
Washington, D.C. 20230

June 13, 2022

Mr. David Concannon
Explorer Consulting
100 Sun Valley Road, Box 329
Sun Valley, ID 83353
E-mail: david@davidconcannon.com

Re: OceanGate Expeditions, Ltd.'s 2022 *Titanic* Survey Expedition

Dear Mr. Concannon:

The National Oceanic and Atmospheric Administration (NOAA) has reviewed the information you provided via letter to the U.S. District Court for the Eastern District of Virginia and to NOAA on behalf of OceanGate Expeditions, Ltd. (OceanGate), as well as information available on OceanGate's website regarding its proposed 2022 *Titanic* Survey Expedition. *See* Letter and 2022 Draft Science Plan from David Concannon, Legal and Logistical Advisor to OceanGate, to the Honorable Rebecca B. Smith, U.S. District Court for the Eastern District of Virginia (May 20, 2022) ("May 20, 2022 Letter to the Court").

Based on this information, NOAA concludes that no authorization pursuant to Section 113 of the Consolidated Appropriations Act, 2017, Public Law 115-31, 131 Stat. 135, 192 (2017), is required for this proposed expedition. Section 113 prohibits any person from conducting "... research, exploration, salvage, or other activities that would physically alter or disturb the wreck or wreck site of the R.M.S. *Titanic*, unless authorized by the Secretary of Commerce per the provisions of the [International Agreement]."

You stated in your May 20, 2022 Letter to the Court that OceanGate plans to conduct a series of five (possibly six) photographic and scientific "missions" to survey *Titanic* and the wreck site from June 15 to early August 2022. Each eight-day mission will include multiple deployments of OceanGate's five-person deep sea submersible, *Titan*. You also stated that OceanGate "has no intention of disturbing [*Titanic*]," will make every effort to "avoid contact with the wreck itself," and will not collect artifacts or scientific samples from the wreck. May 20, 2022, Letter to the Court.

As outlined in the May 20, 2022, Letter to the Court, NOAA understands that OceanGate will be conducting a series of non-intrusive, human-occupied submersible dives at the *Titanic* to conduct citizen exploration. The science objectives for the missions are to: characterize fauna on and near the wreck using high-definition video and still photography; collect water samples to conduct broad spectrum biodiversity surveys using environmental DNA analysis, as well as carbonate chemistry analysis; collect physical oceanographic data to characterize the wreck environment and local hydrography; measure the speed, direction, and temperature of the water; characterize and map benthic habitats at and near the wreck; and continue

THE ADMINISTRATOR



archaeological investigation of the wreck site, noting and mapping wreck parts and documenting wreck deterioration. May 20, 2022 Letter to the Court.

NOAA understands that OceanGate will conduct its expedition in a manner that is consistent with the *Titanic* International Agreement, Section 113, the 1986 R.M.S. *Titanic* Maritime Memorial Act, the Guidelines for Research, Exploration, and Salvage of R.M.S. *Titanic* (66 Fed. Reg. 18905, Apr. 12, 2001), International Maritime Organization (IMO) Circular MEPC.1/Circ.799, and applicable orders of the U.S. District Court for the Eastern District of Virginia and the U.S. Court of Appeals for the Fourth Circuit.

Based on the foregoing, NOAA understands that OceanGate and any agent or contractor for the proposed expedition will:

- Comply with all applicable laws and regulations including, but not limited to, existing IMO standards that prohibit discharge of plastic, oil, chemicals, or other noxious or hazardous liquids while conducting operations over *Titanic*.
- Not discharge garbage, blackwater, graywater, and any other incidental discharges to the operation of OceanGate's expedition vessel:
 - within 10 nautical miles of the *Titanic* wreck site, defined in IMO Circular MEPC.1/Circ.779 by the following coordinates; or
 - within 50 nautical miles up-current of the same.
- Avoid any activities that would physically alter or disturb the wreck or wreck site (including the seabed) including any contact with, landing on, or prop wash that affects *Titanic*.
- Not install, attach, or place any plaques, memorials, or other temporary or permanent fixtures on *Titanic*.
- Not enter, or attempt to enter, either of the hull pieces.

NOAA would appreciate receiving a copy of any expedition report that OceanGate submits to the U.S. District Court for the Eastern District of Virginia. *See* Letter from the Honorable Rebecca B. Smith to David Concannon (June 6, 2022).

If you have any questions, please contact Joseph Hoyt, National Maritime Heritage Program Coordinator, NOAA Office of Marine Sanctuaries, at joseph.hoyt@noaa.gov or 757-805-3554. Thank you for your continued cooperation with NOAA.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Spinrad", written in a cursive style.

Dr. Richard W. Spinrad, Ph.D.
Under Secretary of Commerce for Oceans
and Atmosphere & NOAA Administrator